UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1996/NGO/47
27 March 1996

ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 9 (d) of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Written statement submitted by Pax Romana, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[20 March 1996]

Human rights, mass exoduses and displaced persons

1. As we have stated on many other occasions the situation of refugees in the world is permanently worrying and overwhelming since it affects the five continents.

2. In Asia, for instance, the situation in Sri Lanka is far from being resolved. The Liberation Tigers of Tamil Ealam (LTTE) in November in another of its mastermoves pushed the residents of Jaffna out of the town towards Thenmaratchi and the mainland. At that time, LTTE appeared to be willing to

create a massive humanitarian conflict to sour the symbolic impact of the government army capturing Jaffna's capital. Currently, according to official figures, as many as 300,000 persons have crossed over from the Jaffna peninsula to the Vanni division of the mainland (Kilinochchi and Mullaitivu districts in northern Sri Lanka). Food in becoming an instrument of aid, and a weapon at the same time. The Tamil Relief Organization (TRO) is directly distributing food to the people. It appears to be independent, but it proves to be a part of the strategy of LTTE. Although it is true that without TRO the whole situation would have been a disaster, food is also used as a lever of war. For instance, when the Tigers wanted the people to cross the Jaffna lagoon, people in Tenmarachchi and Vadamarachchi were given little or no help.

3. In Europe we still find the same problem in its internal version. Although war in Bosnia seems to have ended, a new exodus is taking place within the territories of the former Yugoslavia. In the beginning of August, after the defeat and fall of the Serbian-controlled Krajina in Croatia, an estimated 150,000 Krajina Serb refugees left the region in a mass exodus towards Serbia. The Belgrade authorities ordered their immediate settlement in Kosovo, in numerous cases even without the consent of the refugees themselves, who resisted their forced destination even in incidental ways, such as stopping train convoys with the emergency brakes and trying to chase away the Serbian police, albeit without success. The wave of Krajina Serbs continued to flow into Kosovo in such numbers that, by 23 September 1995, it had reached at least 15,810.

4. It is the latest example of the Serbian authorities' colonization policy, which was intensified in recent years by means of the "YU programme for Kosovo", adopted by Federal Yugoslav Parliament in 1989. It has led to a forcible change in the social composition in Kosovo, which will probably cause an additional escalation of political tensions and narrow down the already minimal manoeuvring space for finding a political and peaceful solution for the area. We are facing the same danger once more: camouflaging the political use of refugees under the image of a humanitarian issue.

5. Both the Madrid Humanitarian Summit held last December and the Commission on Human Rights have stressed this matter. The Summit states in its final declaration, firstly, that humanitarian actions must not substitute political actions and interests and, secondly, that a real policy to prevent ethnic cleansing with a humanitarian appearance must be implemented. Both issues have been denounced above.

6. Some pieces of evidence were produced at the last hearing of the People's Permanent Tribunal, held in December 1995 in Barcelona, which led the "court" to recognize the existence of forced mass departures of civilian population, deportation of refugees and detention camps with inhuman conditions in the territories of the former Yugoslavia (point V.2.I.7 of the final verdict). Such a decision has been sent to the ad hoc International Tribunal for the former Yugoslavia in order to assist it in its work.

7. Nevertheless, the African continent is still a paradigm. Two years ago, more than 2 million Rwandan inhabitants sought refuge in the United Republic of Tanzania, Kenya and, most of them in Zaire.

8. The mass exodus in the Great Lakes region is still not over. The Ngara district in the United Republic of Tanzania continues to receive new arrivals from Burundi at an average rate of 50 to 100 per day, owing to insecurity caused by the militia. In spite of the border being officially closed, the Tanzanian Government continues to accept refugees for a temporary period on humanitarian grounds, according to the Office of the United Nations High Commissioner for Refugees (UNHCR).

9. As is well known, UNHCR organized a peaceful and voluntary repatriation policy in April 1995. Some time after, it was frustrated by foreign agents who provoked a complete massacre at the refugee camps in Birva, Zaire and Kibeho. Even when all rational arrangements are made, the closure of camps does not necessarily imply repatriation of refugees. That is clear in Zaire where, since the beginning of the administrative closure of the Kibumba and Nyangezi refugee camps on 13 and 16 February 1996 respectively, relatively few refugees have been repatriated. Only a total of 1,204 from Kibumba and 236 from Nyangezi camp returned to Rwanda. Meanwhile, humanitarian assistance programmes continue in both camps as well as in the 40 other camps in eastern Zaire. Despite the fact that the High Commissioner for Refugees reported that 23,000 refugees had just arrived in Rwanda during February 1996, there is a profound need to work out and consolidate the relevant political decisions to create viable repatriation programmes.

10. Some evidence of improvement is, however, appearing. The Rwandan Government has just accepted the Secretary-General's proposal to maintain the office of the United Nations Special Representative in Kigali for the next six months. One of its main aims is to coordinate and promote the repatriation policy. This decision was taken at the beginning of March.

11. Funding the entire refugee repatriation operation would cost $288 million, whilst only $26 million has been paid by the European Commission Humanitarian Office (ECHO) and 1 million by the Norwegian Government as of February 1996. Though UNHCR is alleviating this awful financial situation by disbursing $18 million from its emergency fund and though some grass-root non-governmental organizations (NGOs) are also covering some expenses, the repatriation programme appears to be in suspense. The existing funds for repatriation are not going to guarantee voluntary return in humane conditions.

12. Mass information campaigns in Rwanda and Burundi should be carried out not only in the refugee camps but also among the general population in order to facilitate the voluntary repatriation process. In this sense, the first visit to Rwanda from the Kibumba refugee camp in Goma finally took place on 26 and 27 February. Although it appears that visiting refugees from Gitarama have been extremely badly received by the local population, it is a process that has to be expanded. Security Council resolution 1049 (1996) of 5 March 1996 recently urged all parties to avoid both the use of violence and incitement thereto and urgently to start negotiations to implement the 1994 Convention on Governance to obtain a final reconciliation.

13. Another similar highly worrying situation is taking place in Côte d'Ivoire where more than 300,000 people settled after escaping from the situation in Liberia, and in Guinea, where the number of Liberian refugees

amounts to 410,000. The main problem now is to obtain the $60 million necessary to implement the voluntary Liberian repatriation programme over the next 18 months.

14. Therefore, we would kindly appreciate a Commission on Human Rights resolution on this item that would:

(a) Promote repatriation programmes, wherever possible, and a real education for repatriation, following UNHCR's latest recommendations for Rwanda, Burundi and Liberia, by granting part of the budgets for assistance programmes to voluntary repatriation programmes if possible;

(b) Appeal to all United Nations Member States and organizations to disburse sufficient funds to continue the repatriation programme in Rwanda or in other areas as a matter of high priority;

(c) Reinforce the activities of the Special Rapporteur for Burundi, as recommended by Subcommission resolution 1995/11;

(d) Stress the establishment of an International Permanent Criminal Court as stated in the Madrid Humanitarian Summit declaration and in the latest People's Permanent Tribunal verdict, and make an urgent appeal to all States to remind them of their duties derived from Security Council resolutions 955 (1994) and 978 (1995).